

**MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY**

NATHAN HANNON,	)	No. ED102443
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Hon. Edward W. Sweeney, Jr.
STATE OF MISSOURI,	)	
	)	
Appellant.	)	FILED: March 15, 2016

A jury convicted Nathan Hannon (“Hannon”) on two counts of first-degree statutory sodomy stemming from the alleged molestation of Victim. After a direct appeal, Hannon filed a Rule 29.15 motion for post-conviction relief, which the motion court granted. The State argues on appeal that the motion court clearly erred in granting Hannon’s motion for three reasons. First, the State argues that Hannon’s trial counsel (“Trial Counsel”) was not ineffective for failing to object to hearsay testimony at trial. Second, the State argues that Trial Counsel was not ineffective for failing to investigate Victim’s school attendance records that impeached Victim’s testimony. Third, the State argues that the motion court improperly exceeded the scope of review under Rule 29.15 by deciding issues not raised in Hannon’s post-trial motion.

AFFIRMED.

DIVISION FOUR HOLDS: The motion court did not clearly err in finding that Trial Counsel’s investigation into the school attendance records was not thorough and thus fell outside the wide range of professional competence. The motion court also did not clearly err in finding that there is a reasonable probability that the outcome of the proceeding would have been different had Trial Counsel obtained Victim’s school attendance records. Accordingly, the motion court did not clearly err in granting Hannon’s Rule 29.15 motion.

Opinion by: Kurt S. Odenwald, Judge and Lisa Van Amburg, C.J., concur.  
Sherri B. Sullivan, P.J., dissents in separate opinion.

Attorney for Appellant: Gwenda Renee Robinson

Attorney for Respondent: Chris Koster and Karen L. Kramer

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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